

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Bobby C. Jenkins,

Plaintiff,

v.

McDonald, Patrick, Poston Hemphill
& Roper, LLC; and Steven M. Pruitt,

Defendants.

No. 5:14-cv-4498-RMG

ORDER


This matter comes before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge recommending that Plaintiff’s *pro se* action be summarily dismissed without prejudice because the federal court lacks jurisdiction over the asserted claims. (Dkt. No. 13).

Plaintiff was advised that he had a right to file written objections to the R & R within 14 days of service of the R & R and a failure to file written objections could result in limited review by the District Court and a waiver of the right to appeal the judgment of the District Court. (Dkt. No. 13 at 6). Plaintiff filed no timely written objections.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the R&R to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). This Court may also “receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After review of the record and the R&R, the Court finds the Magistrate Judge applied sound legal principles to the facts of this case and therefore agrees with and adopts the R&R as the order of the Court. (Dkt. No. 13). Therefore, this action is dismissed without prejudice.

AND IT IS SO ORDERED.



Richard Mark Gerger
United States District Court Judge

March 3, 2015
Charleston, South Carolina